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Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 3 June 2015 from the Permanent Mission of Finland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Finland to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and, in accordance with paragraph 17 of resolution 2206 (2015), has the honour to transmit herewith the report of Finland on the steps taken to implement effectively paragraphs 9 and 12 of that resolution (see annex).

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Annex to the note verbale dated 3 June 2015 from the Permanent Mission of Finland to the United Nations addressed to the Chair of the Committee

Report submitted by Finland to the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Finland has taken the steps below to implement effectively paragraphs 9 and 12 of resolution 2206 (2015).

Measures adopted by the European Union

The European Union immediately initiated the preparation of legal instruments implementing the provisions of resolution 2206 (2015).

On 7 May 2015, the Council of the European Union adopted Council Decision 2015/740/CFSP concerning restrictive measures in view of the situation in South Sudan and repealing Decision 2014/449/CFSP. The Decision sets out the basis for the implementation of travel restrictions and asset freezes imposed by paragraphs 9 and 12 of resolution 2206 (2015) and applied in relation to persons and entities designated by the Security Council Committee established pursuant to paragraph 16 of the resolution. In Decision 2015/740/CFSP, the restrictive measures imposed by Decision 2014/449/CFSP and the restrictive measures provided for in resolution 2206 (2015) were integrated into a single legal instrument. The Decision was published in the *Official Journal of the European Union* on 8 May 2015, and it entered into force on 9 May 2015.

In addition to Council Decision 2015/740/CFSP, the Council of the European Union adopted, on 7 May 2015, Council Regulation (EU) 2015/735 concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) 748/2014. The Council Regulation includes provisions for implementing the above measures falling within the scope of the Treaty on the Functioning of the European Union. Council regulations are binding in their entirety and directly applicable to all European Union member States. Council Regulation (EU) 2015/735 was published in the *Official Journal of the European Union* on 8 May 2015 and it entered into force on 9 May 2015.

Article 3(1) (a) of Decision 2015/740/CFSP provides that member States shall take the measures necessary to prevent the entry into, or transit through, their territories of persons designated by the Security Council or by the Committee in accordance with paragraphs 6, 7, 8 and 9 of resolution 2206 (2015), as listed in annex I to the Decision. According to articles 3(2) and 4 of the Decision, the travel ban shall not apply in the situations provided for in paragraphs 9 and 11 of resolution 2206 (2015).

According to article 6(1) (a) of Decision 2015/740/CFSP, all funds and economic resources belonging to, owned, held or controlled by, directly or indirectly by persons and entities designated by the Security Council or the Committee in accordance with paragraphs 6, 7, 8 and 12 of resolution 2206 (2015), as listed in annex I to the Decision, shall be frozen. Pursuant to article 6(2) of the Decision, no funds or economic resources shall be made available directly or

indirectly to or for the benefit of the natural or legal persons, entities or bodies listed in annex I.

According to article 5(1) of Council Regulation (EU) 2015/735, all funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in annex I to the Council Regulation shall be frozen. Annex I shall include natural or legal persons, entities and bodies identified by the Committee as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan, in accordance with paragraphs 6, 7, 8, and 12 of resolution 2206 (2015). Pursuant to article 5(3) of the Council Regulation, no funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in annex I to the Council Regulation.

Article 7 of the Decision and articles 6, 7, 9, 11 and 13(1-2) of the Council Regulation provide for the relevant exemptions to the asset freeze and to the prohibition from making funds or economic resources available, in accordance with paragraphs 13, 14 and 15 of resolution 2206 (2015).

National implementation measures

At the national level, sanctions are imposed by virtue of the Act on the Enforcement of Certain Obligations of Finland as a Member of the United Nations and of the European Union (Sanctions Act), No. 659/1967.

The Sanctions Act, together with the Penal Code (No. 39/1889), provides for penalties and forfeitures to be imposed for violations of Council sanction regulations. According to chapter 46, section 1(9), of the Penal Code, a person who violates or attempts to violate a regulatory provision in a sanctions regulation, shall be sentenced for a regulation offence to a fine or to imprisonment for at most two years. Pursuant to chapter 46, section 2, of the Penal Code, the penalty for an aggravated regulation offence is at least four months and at most four years of imprisonment. Pursuant to chapter 46, section 3, of the Penal Code, when the regulation offence is deemed petty, the offender shall be sentenced for a petty regulation offence to a fine.